

January 28, 2011

Gentlemen:

Thank you for the opportunity to provide input to the Delta Plan that is being rapidly developed. My comments follow and I beg your forgiveness in advance for the repetition of some points in a variety of ways for emphasis. I do so because I believe that this topic hasn't received as much attention as it should:

Many other individuals have commented thoroughly on some of the very key concerns and issues within the Sacramento-San Joaquin Delta (Delta). Accordingly, I won't reiterate any of those but am going to raise one important issue related to the impact of the economic cloud over the majority of the Delta at the current time and for the foreseeable future.

In summary, I request that the Delta Stewardship Council acknowledge and/or address in the Delta Plan that the threat of massive acquisition of lands within the Delta through eminent domain as has already been envisioned and described in a wide variety of public meetings related to the Bay Delta Conservation Plan (BDCP) and beyond the BDCP process will not result in fair and just compensation for those who are displaced by such plans. This is due to the fact that property condemnations related to eminent domain require "fair market value" comparisons to ascertain property values. If all properties in a more than ½ million acre area that can be used for comparison have been depressed in value due to multiple years of the threat of possible/probable condemnation, the "fair market value" cannot be obtained by the usual process employed in eminent domain condemnations. Accordingly, the Delta Plan should call for another method to be used if the desire is to help the economic sustainability of the Delta. At this time I am not proposing what that method would be, but would be happy to participate in a group empowered to do so.

Detail behind the summary request follows:

In the Delta Stewardship Council's August 25, 2010 "The Water/Delta Legislation of 2009: Sacramento-San Joaquin Delta Reform Act of 2009 SBX7 1" booklet, says on page 11 Division 22.3, Chapter 1, 32301 (g) "The Delta is home to more than 500,000 people and 200,000 jobs, and contributes over thirty-five billion dollars (\$35,000,000,000) to the state's economy."

Further, paragraph (i) states that "A Sacramento-San Joaquin Delta Conservancy can support efforts that advance both environmental protection and the economic well-being of Delta residents in a complementary manner, including all of the following:

- (4) Promote Delta legacy communities and economic vitality in the Delta in coordination with the Delta Protection Commission"

If the host of newly created agencies, commissions and other governmental bodies establish a plan that makes the Delta an on-going target for condemnations where just compensation is not offered to the dislocated land owners, then the majority of the rural and agricultural portions of the Delta will continue

to decline and will not lead to the “economic vitality” noted in the Delta Legislation 2009 booklet cited above.

If on the other hand, there is another methodology developed to fairly compensate land owners who are displaced, then there won't be as great a fear of the eminent domain process which is stifling economic growth and development in the Delta now and for the foreseeable future.

Over ½ million acres of the 780,000 acres of the Delta have been threatened economically (particularly those in legacy communities and adjacent farmlands) and are under the economic cloud of the threatened Bay Delta Conservation Plan (BDCP) for over a few years now. This is evidenced by the fact that with the required disclosures for real estate sales, buyers won't purchase properties under this cloud without significant price concessions. One situation that I am aware of resulted in a home where buyers wanted to buy but couldn't determine how low to offer the owner to get under the lowest possible price that eminent domain would ultimately result in if the BDCP was approved and took their home. In this particular case the home was ultimately taken off the market.

In many of the BDCP public meetings, information given could reasonably infer that the total BDCP project could cost anywhere from \$20 billion to \$50 billion or more to complete. We have also been given maps of proposed canal/tunnel routes including five 20 acre pumping (intake) stations. If the value of this and other projects is so enormous, why not work with land owners and budget monies for truly fair compensation for property condemnations. As has been noted by Delta landowners in many of the public BDCP meetings, the entire BDCP process has and continues to make normal property sales, farm and equipment loans and other normal business dealings throughout the entire Delta difficult if not impossible due to the threat of condemnation by the entire BDCP process. Accordingly, there isn't going to be a fair “fair market value” basis anymore to determine property values in the Delta. In the case, of most Delta residents, we have plans to live here and enjoy the beauty of this area for the rest of our lives and then to pass the property down to our children. That is worth a great deal to me and a large number of Delta residents and should be considered in valuations. If the BDCP and other project are of such great value to the people of the State of California, then as has been said in many of the public meetings, the people being displaced should be taken care of properly. (Give them not just a fair “fair market value” but compensation for all the other intangible losses.) That will not be done if standard eminent domain is applied to an area like the Delta years after economic activity and values have been blighted by the threat of the pervasive BDCP project. It is also worthy of note that in September 1992 the legislature passed the Delta Protection Act which among other things established the “statutory” Delta with 500,000 acres in what is known as the Primary Zone of the Delta and 238,000 acres in the Secondary Zone of the Delta. The purpose of the two zones was to ensure that no urban encroachment/development would be allowed in the Primary Zone of the Delta. The Secondary Zone of the Delta includes all of or portions of the cities of West Sacramento, Antioch, Pittsburg, Stockton, Tracy and the south western part of the city of Sacramento. Some properties that are slated for condemnation under some of the BDCP and other proposals are in the Secondary Zone of the Delta and available for urban expansion in the future. Accordingly, highest possible long term use should be considered as a part of any property valuation in a fair condemnation process.

The people/families of the Delta who have been good stewards of the Delta for many decades and in for some well over a century could continue to do so while enjoying the beauty of the place and their livelihoods supplied by the Delta. If this is not going to be allowed for many as \$10s of billions are spent on experiments with wildlife habitat restoration in the Delta and \$10s of billions on plans to bring water to the south part of the state as a part of the BDCP, then monies and approaches should be included in those plans to properly take care of those displaced to make way for these valuable goals.

Respectfully,

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